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Attorney for Marshall S. Sanders and Lydia O. Sanders Trustee
 of the Marshall and Lydia Sanders Trust Dated April 20, 1990

UNITED STATES DISTRICT COURT FOR THE
 CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION

MARSHALL S. SANDERS and LYDIA O. SANDERS AS TRUSTEE OF THE MARSHALL AND LYDIA SANDERS TRUST DATED APRIL 20, 1990.)	Case No.: 8:15-cv-00935-AG-AS
)	
)	RESPONSE TO OSC
)	
Plaintiff,)	
)	
vs.)	
)	
BANK OF AMERICA, N.A.; WELLS FARGO BANK, N.A., AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE HARBORVIEW MORTGAGE LOAN TRUST MORTGAGE LOAN PASS-THROUGH CERTIFICATES, SERIES 2007-1; NATIONAL DEFAULT SERVICING CORPORATION; SELECT PORTFOLIO SERVICING, INC.; and DOES 1-20)	
)	
Defendants)	

INTRODUCTION

- Plaintiffs MARSHALL S. SANDERS and LYDIA O. SANDERS AS TRUSTEE OF THE MARSHALL AND LYDIA SANDERS TRUST DATED APRIL 20, 1990, through their attorney submits the following response to the Court's Order to Show Cause.
- By and through Plaintiffs' attorney of record, Jason W. Estavillo, please accept my apologies for the oversight on multiple issues.

1 3. First, the Court is correct, this matter was previously before this Court when Defendant Bank
 2 of America, N.A. filed a Notice of Removal on December 2, 2014. The Court then issued an Order
 3 to Show Cause why that matter should not be remanded back to State Court.

4 4. On December 12, 2014, Bank of America filed their response to the Court's Order to Show
 5 Cause whereby Bank of America stipulated to remand the matter back to the State Court.

6 5. The Court issued an Order of Remand on December 15, 2015. During the less than two
 7 weeks this matter was under federal jurisdiction, Plaintiffs only filed a demand for jury trial.
 8

9 6. Plaintiffs' counsel, when filing the present action simply had no recollection that this matter
 10 had been removed to Federal Court and did not intentionally mean to mislead the Court.

11 7. Plaintiffs' counsel honestly forgot that Bank of America, N.A. had removed the case and
 12 apologizes to the Court for this oversight. Plaintiffs' counsel will file an amended Civil Cover Sheet
 13 attached hereto as Exhibit "A" with the Court's permission.
 14

15 DIVERSITY

16 8. Plaintiff's complaint states that some Defendants are citizens of North Carolina, Arizona and
 17 California. Unfortunately, that statement is incorrect. Instead, it should have stated "Defendants are
 18 citizens of North Carolina, Arizona and South Dakota whereby the parties are completely diverse and
 19 the amount exceeds \$75,000.00."
 20

21 9. Again, I and my office take full responsibility for the confusion, while Wells Fargo Bank,
 22 N.A. has long been in California its main office is a South Dakota. In fact, the Ninth Circuit Court of
 23 Appeal in *Rouse v. Wachovia Mortgage, FSB* found that under 28 U.S.C. §1348, "a national bank is
 24 'located' only in the state designated as its main office" On appeal held that Wells Fargo is only a
 25 resident of South Dakota, its designated location for its main office. (See *Rouse v. Wachovia*
 26 *Mortgage, FSB a Division of Wells Fargo, N.A* (2014) 747 F.3d 707
 27
 28

1 10. Therefore it is the Plaintiff's position that there is complete diversity under 28 U.S.C. §1332

2 Dated: June 26, 2015

Respectfully submitted,

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4 /s/

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Jason W. Estavillo

6 Attorney for Plaintiffs
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PROOF OF SERVICE

Re:	Sanders v. PNC Mortgage, et al.
Court:	Central District of California Case No.: 8:15-CV-00935-AG-AS
Represents:	Marshall S. Sanders and Lydia O. Sanders, et al.

I declare that I am over the age of 18, not a party to the above-entitled action; I am an employee of Law Offices of Jason W. Estavillo, PC whose business address is 1330 Broadway, Suite 1030, Oakland, CA 94612.

On **June 26, 2015**, I served the following document(s) in the following manner(s):

RESPONSE TO OSC

- ☐ **MAIL:** By placing the document(s) listed below in a sealed envelope with postage thereon, in the United States mail at Oakland, California, addressed as set forth below.
- ☐ **FACSIMILE:** By transmitted a true copy, via facsimile electronic equipment transmission (fax) to the office(s) of the addressee(s) at the fax number(s) below.
- ☐ **FEDEX:** by placing true and correct copies thereof in sealed package(s) designated by Federal Express for that purpose, with the delivery fees paid or provided for by the sender, and delivering such package(s) to a box or other facility regularly maintained by Federal Express, or delivered to an authorized courier or driver authorized by Federal Express to receive documents, addressed as follows:
- ☒ **ELECTRONIC SERVICE:** Via Pacer service

Conrad V. Sison LOCKE LORD LLP 300 South Grand Avenue, Suite 2600 Los Angeles, CA 90071 Telephone: 213-485-1500 Facsimile: 213-4851200 Attorney for Select Portfolio Servicing, Inc., Wells Fargo Bank, N.A., as Trustee, on Behalf of the Holders of the Harborview Mortgage Loan Trust Mortgage Loan Pass-Through Certificates, Series 2007-1 and National Default Servicing Corporation	Bank of America, N.A. C/O CT Corporation 818 West Seventh Street 2 nd Floor Los Angeles, CA 90017
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☒ **(Federal)** I declare that I am employed in the office of a member of the bar of this court, at whose direction the service was made.

DATED: **June 26, 2015**



Maria Yolanda Lepe